

REMARKS

The present communication is responsive to the non-final Office Action mailed January 5, 2010. In the Action, claims 8-17 were rejected. In this amendment, claims 8, 11, 14, and 17 are amended. No new matter has been added. Accordingly, claims 8-17 remain pending for the Examiner's consideration.

Claims 8-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,140 to Ivanyi ("Ivanyi") in view of U.S. Patent No. 6,530,082 to Del Sesto et al. ("Del Sesto"), in further view of U.S. Patent No. 5,872,588 to Aras et al. ("Aras"), in even further view of U.S. Patent No. 7,200,852 to Block ("Block"), and in even further view of U.S. Patent No. 5,801,747 to Bedard ("Bedard").

Claims 14, 16, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ivanyi in view of Del Sesto, in further view of Aras, and in even further view of Block.

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ivanyi in view of Del Sesto, in further view of Aras, in even further view of Block, and in even further view of U.S. Patent No. 6,704,929 to Ozer et al. ("Ozer").

Independent claims 8, 11, 14, and 17 have been amended to clarify the limitation of computing ratings. For example, claim 8 has been amended to recite:

"wherein computing the viewing and listening information includes computing a rating for each unit portion of the program, the rating relating to a number of receivers that received the unit portion of the program." (Emphasis added).

Similarly, for example, claim 14 has been amended to recite:

"a viewing and listening information management computer for computing viewing and listening information, including a

rating, concerning viewing and listening for each unit portion of a program based on the reception log, the receiver ID, and the program information, and for transmitting the computed viewing and listening information to a program producer;

wherein the rating relates to a number of receivers that received the unit portion of the program." (Emphasis added).

Support for these amendments may be found in the specification at, for example, page 21 line 22 to page 22 line 18, page 23 lines 9-24, and page 25 lines 1-22.

None of the cited references teach computing ratings for each unit portion of a program, where the unit portions are designated based on program content, and where the ratings relate to a number of receivers that received the unit portion. Indeed, the Examiner acknowledges that none of the previously cited prior art references teach computing a rating. (See *1/5/10 Office Action*, p.6 ¶2, p.19 ¶2, p.23 ¶3). However, the Examiner puts forth Block to cure this defect.

Block is a newly cited reference, cited by the Examiner for its disclosure of creating frame-specific labels for video, audio, or data content. Particularly, Block teaches that an individual frame may be labeled with a rating relating to the level of violence content, sexual content, and/or foul language content of that frame. (*Block*, col.6 ll.19-29). However, such ratings are not for unit portions designated based on content of the program. Rather they are for frames, where a frame is a commonly used term of art used to refer to a single data packet or a single image in a series of images. The beginning and end of a frame is completely unrelated to the content therein. Therefore, regardless of what Block calculates, it is not calculated for each unit portion of a program. Additionally, Block nowhere teaches computing ratings

relating to a number of receivers that received a particular unit portion of a program. In contrast, the rating discussed in Block is a classification of the content, similar to the way movies are rated (e.g., R, PG-13, X, etc.). This is clear from Block as it states that the ratings rate the level of violence, etc. in the frame. (*Id.*). This is neither equivalent nor comparable to computing ratings based on a number of receivers that received the unit portion.

Thus, Applicants respectfully submit that none of Ivanyi, DelSesto, Aras, Bedard, Block, and Ozer, taken alone or in any combination thereof, teach "computing a rating for each unit portion of the program, the rating relating to a number of receivers that received the unit portion of the program" as recited in amended claim 8 and similarly recited in claims 11, 14, and 17. For at least this reason, Applicants respectfully submit that claims 8, 11, 14, and 17 are patentable over the prior art, and request that their rejections be withdrawn. Moreover, for at least the reason that claims 9-10, 12-13, and 15-16 depend from and therefore include the limitations of claims 8, 11, and 14, respectively, Applicants submit that dependent claims 9-10, 12-13, and 15-16 are also patentable. Accordingly, Applicants respectfully request that the rejections of claims 8-17 be withdrawn.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

Application No.: 10/010,877

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,
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